



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT PROCEDURE FOR HANDLING EMPLOYEE GRIEVANCES	POLICY NO. 607.1	EFFECTIVE DATE 10/1/89	PAGE 1 of 5
APPROVED BY: original signed by: ROBERTO QUIROZ Director	SUPERSEDES 711.01 9/3/80	ORIGINAL ISSUE DATE 9/3/80	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 To establish procedures for the processing and handling of employee grievances.

POLICY

- 2.1 It is the intent of the Department of Mental Health (DMH) to resolve employee grievances promptly and equitably without discrimination, coercion, restraint, or reprisal against any employee who may submit a grievance.

BACKGROUND

3.1 Definition of Grievances

- 3.1.1 "Grievances" means a complaint by an employee alleging inequitable treatment resulting from a management action or lack of action on some aspect of employment status or working conditions within the control of the Department Head.
- 3.1.2 "Group Grievances" means a common complaint by a number of employees within the department or a unit thereof, alleging inequitable treatment resulting from one management action or lack of action on some aspect of employment status or working conditions within the control of the Department Head.

3.2 Responsibilities

- 3.2.1 Management of the department has the responsibility to:
- 3.2.1.1 Inform an employee of any limitation of the department's authority to fully resolve a grievance;
- 3.2.1.2 Supply the employee with the necessary information to process the grievance to the proper agency or authority.
- 3.2.2 The immediate supervisor will, upon the request of an employee, discuss the employee's grievance with the employee at a mutually satisfactory time.



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3.2.3 The employee will discuss his/her grievance with his/her immediate supervisor.

3.3 Waivers and Time Limits

3.3.1 Failure by management to reply to the employee's grievance within the time limits specified automatically grants to the employee the right to process the grievance to the next step.

3.3.2 Any level of review, or any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing.

3.3.3 If an employee fails to appeal from one step to the next step within the time limits established in this grievance procedure, the grievance shall be considered settled on the basis of the last decision and the grievance shall not be subject to further appeal or reconsideration.

3.3.4 By mutual agreement, the grievance may revert to a prior step for reconsideration.

3.4 Employee Rights to Representation

3.4.1 The employee has the right to the assistance of a representative in the preparation of the employee's grievance, and the right to select any person or organization to represent him/her in a formal grievance. The employee is required to be present at all grievance meetings.

3.4.2 A County employee selected as a representative in a grievance is required to obtain the permission of his/her immediate supervisor to absent himself/herself from his/her job to attend a grievance hearing.

3.4.3 An employee may present his/her grievance to management on County time. In scheduling the time, place, and duration of any grievance meeting, both the employee and management will give due consideration to the duties each has in the essential operations of that department.

3.4.4 County time may be used for preparation of grievances by employees, grievance responses by supervisors and managers, and the development of materials and information for use at a grievance hearing by both employees and supervisors or managers.

3.5 The Parties' Rights and Restrictions



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- 3.5.1 Only a person selected by the employee and so named in writing prior to a scheduled formal grievance meeting shall have the right to represent or advocate as an employee's representative.
- 3.5.2 The certified employee representative of the employee's representation unit has the right to be present at any formal grievance meeting.
- 3.5.3 If the certified employee representative elects to attend any formal grievance meeting, he/she must inform the Personnel Office prior to such meeting.
- 3.5.4 Employee representation on individual grievances shall be limited to one representative, except that witnesses and other parties such as may be beneficial to the solution of the grievance may be included.

PROCEDURE

- 4.1 The procedures described below detail the three levels of appeal in the grievance process. These three levels, normally, consist of: (1) the employee's immediate supervisor, (2) the District Chief/Division Chief or second level of supervision (if there is not a District Chief/Division Chief), and (3) the Deputy Director or Assistant Director (if a Deputy Director was involved at the second level).
- 4.2 As there are time constraints at each level of appeal, some grievances may have to be heard by persons in an "acting" capacity when the actual supervisor, District Chief/Division Chief/Deputy Director, etc. is on leave for vacation or illness. In some instances, this may result in a need to involve a higher level in the grievance process than would be required if one of the levels were not absent. For example, if, due to absence of the immediate supervisor, the District Chief must serve as the first level to hear the grievance, the Deputy Director will then become the second level and the Assistant Director will become the third level.
- 4.3 Step One
 - 4.3.1 Within five business days from the occurrence of the matter on which a grievance is based, or within five business days from an employee's knowledge of such occurrence, an employee shall discuss his/her complaint in a meeting with his/her immediate supervisor.
 - 4.3.2 Within five business days from the day of the discussion with the employee, the immediate supervisor shall orally reply to the employee's grievance.



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- 4.3.3 Within five business days from receipt or failure to receive the supervisor's decision, an employee, not satisfied, may file a formal written grievance on a form provided by the Personnel Office.
- 4.3.4 Three copies of the Departmental Grievance Form shall be completed by the employee, stating the nature of the grievance and the desired settlement requested. The employee shall submit two copies to his/her immediate supervisor and retain the third copy.
- 4.3.5 Within five business days from receipt of the written grievance, the immediate supervisor shall give his/her decision to the employee on one of the original copies of the grievance.

4.4 Step Two

- 4.4.1 Within five business days from receipt of the immediate supervisor's written decision, and using this returned original grievance form, the employee may appeal to the District Chief/Division Chief or second level of supervision if there is no District Chief or Division Chief. This person shall review and discuss the grievance with the first level supervisor concerned and the employee before reaching a recommendation.
- 4.4.2 Within five business days from receipt of the grievance, a written decision shall be given to the employee.

4.5 Step Three

- 4.5.1 Within five business days from the receipt of this decision, the employee may appeal to the Deputy Director, or a designated representative, using the original grievance form. This appeal level represents the third level of supervision above the employee. An Assistant Director will be involved only if a Deputy Director was involved at the second level of the grievance.
- 4.5.2 Within ten business days from the receipt of the employee's grievance, the Deputy Director, Assistant Director, or a person acting as a designated representative, who has not been involved in the grievance at a prior step, shall make thorough review of the grievance, meet with the parties concerned, and present a written decision to the employee.
- 4.5.3 If the Deputy Director, Assistant Director, or the designated representative fails to give a decision at the third step within the specified time limit, the formal grievance will be considered settled in favor of the employee in the manner in which the employee stated his/her desired settlement in the written grievance.



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- 4.5.4 The written decision of the Deputy Director, Assistant Director or the designated representative, on matters over which he/she has authority, is the terminal decision of the Departmental Grievance Procedure.
- 4.5.5 If the employee is still not satisfied, the remaining recourse is to appeal to the Civil Service Commission and/or the Employee Relations Commission.

AUTHORITY

Los Angeles County Code
Memoranda of Understanding